FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.545 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

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Mr. Prakash G. Lad for the petitioner.

Mr. M.L. Bansal for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 25TH APRIL, 2005.

P.C.:-

Heard the learned counsel for the parties.

In my opinion, the view taken by the trial court does not deserve to be disturbed. By the impugned order, the lower appellate court has confirmed the order passed by the trial court and restored the suit. In writ jurisdiction, such order does not deserve to be disturbed. However, the costs which have been awarded to the defendant need to be raised. Hence, instead and in place of Rs.1,500/- the plaintiff shall pay to the defendant a

sum of Rs.5,000/-. Payment of costs shall be condition precedent for restoration of the suit.

Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)